



COMMONWEALTH BUREAU OF CENSUS AND STATISTICS

DIVORCE

SOUTH AUSTRALIA

1961

This bulletin gives particulars of petitions filed and orders granted for dissolution of marriage, judicial separation, and nullity of marriage, during the year 1961 with comparable data for previous years where available.

In 1959 the Commonwealth Parliament passed the Matrimonial Causes Act, 1959, which came into operation on 1st February 1961. This Act established uniform grounds throughout the whole of the Commonwealth for the termination of marriage and superseded the matrimonial cause laws for the States and Territories except in so far as the transitional provisions of the Act keep them in force for the purpose of completing pending proceedings. The main changes in South Australia are as follows:-

- (i) The period of desertion constituting a ground for dissolution of marriage is reduced from three years to two years.
- (ii) A petition on the ground of separation for five years does not now require a Court order for judicial separation as a pre-requisite.
- (iii) The period of the decree nisi for dissolution or annulment of marriage is reduced from six months to three months.

The effect has been to increase both the number of petitions filed and orders absolute for dissolution in 1961.

There were 865 petitions filed in 1961 for dissolution of marriage compared with 781 in 1960.

Although the number of orders for decree nisi for dissolution of marriage decreased from 698 in 1960 to 586 in 1961, the number of orders absolute granted for dissolution increased from 610 to 679, the majority of the latter (390 or 57.5 per cent) being granted on the petition of wives.

Of the 865 petitions filed during 1961 for dissolution 773 were under the new legislation. On the other hand, only 74 of the 679 decrees absolute granted for dissolution were for petitions filed under the new legislation.

Information relating to grounds on which petitions were filed (Table 2) was not tabulated in previous years; hence the effect of the new legislation on petitions cannot be illustrated. However, it is of interest to note that in relation to each other ground "desertion" and "separation" are much higher for petitions filed (Table 2) than for dissolutions granted (Table 3).

Table 3 shows that dissolutions granted on the ground of adultery (and adultery with other grounds) were only 231 in 1961 compared with 274 in 1960. However, there were 31 and 62 more respectively granted on the grounds of cruelty and desertion than in 1960. Although "separation" also shows an increase, there has not been time for this table to reflect fully the effect of the change in the basis of grounds for separation.

TABLE 1 - PETITIONS FILED AND ORDERS GRANTED, SOUTH AUSTRALIA, 1954 TO 1961

Particulars	Years							
	1954	1955	1956	1957	1958	1959	1960	1961
PETITIONS								
Dissolution	832	824	754	767	791	789	781	865
Judicial Separation	1	-	1	-	-	1	-	3
Nullity of Marriage	6	9	15	11	5	6	8	9
Total	839	833	770	778	796	796	789	878
ORDERS								
Dissolution - Nisi	654	516	613	482	537	470	698	586
Absolute	594	624	567	529	483	503	610	679
Judicial Separation	2	-	2	1	5	-	-	-
Nullity of Marriage - Nisi	7	6	14	5	10	5	11	8
Absolute	4	4	5	8	9	7	9	6

The annual number of petitions filed reached a record high level of 924 in 1953. The annual number of orders absolute for dissolution reached a peak of 695 in 1943.

It should be noted that fluctuations from year to year in the number of orders made may be independent of fluctuations from year to year in the number of petitions filed, because there is a considerable variation in the number of actions awaiting trial at the end of each year.

TABLE 2 - PETITIONS FILED FOR DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE, AND JUDICIAL SEPARATION: GROUNDS, SOUTH AUSTRALIA, 1961

Grounds	Petitioner		
	Husband	Wife	Total
DISSOLUTION OF MARRIAGE			
Adultery	110	78	188
Adultery and Desertion	11	3	14
Adultery and Cruelty	-	2	2
Adultery and Drunkenness	1	-	1
Adultery and Separation	-	1	1
Cruelty	4	94	98
Cruelty and Drunkenness	-	7	7
Desertion	170	161	331
Desertion and Cruelty	2	17	19
Desertion and Separation	12	18	30
Drunkenness	1	3	4
Drunkenness and Desertion	-	1	1
Drunkenness and Separation	-	1	1
Failure to pay Maintenance	-	1	1
Insanity	2	-	2
Refusal to Consummate	1	2	3
Separation	91	67	158
Separation and Cruelty	-	1	1
Multiple Grounds	1	2	3
Total	406	459	865
NULLITY OF MARRIAGE			
Bigamy	1	4	5
Incapacity to Consummate (Including Impotence)	-	3	3
Invalid Marriage	-	1	1
Total	1	8	9
JUDICIAL SEPARATION			
Adultery	-	1	1
Cruelty	-	2	2
Total	-	3	3

Date	Description	Amount	Balance
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TABLE 3 - DISSOLUTION AND ANNULMENT OF MARRIAGE - ORDERS ABSOLUTE: GROUNDS,
SOUTH AUSTRALIA, 1954 TO 1961.

Grounds	Year							
	1954	1955	1956	1957	1958	1959	1960	1961
DISSOLUTION								
Adultery)								(221
Adultery and Desertion)	216	238	208	190	203	175	274	(8
Adultery and Separation)								(2
Cruelty)	113	113	103	111	82	90	103	(133
Cruelty and Drunkenness)								(1
Desertion)								(275
Desertion and Cruelty)	242	244	227	206	184	218	215	(1
Desertion and Separation)								(1
Drunkenness	6	9	11	9	4	4	9	6
Failure to pay Maintenance	3	6	3	2	1	3	4	3
Insanity	4	4	-	3	1	5	3	3
Separation (a)	6	7	12	3	6	6	2	20
Other Single Grounds	4	3	3	5	2	2	-	2
Multiple Grounds	-	-	-	-	-	-	-	3
Total	594	624	567	529	483	503	610	679
NULLITY								
Bigamy	-	2	2	2	2	-	1	2
Incapacity to Consummate(b)	4	1	1	5	6	7	4	2
Invalid Marriage	-	1	2	1	1	-	4	2
Total	4	4	5	8	9	7	9	6

NOTE: Prior to 1961, where more than one ground was stated one of the grounds was selected for classification as indicated above, e.g. "adultery and desertion" was classified as "adultery".

- (a) Those shown prior to 1961 were granted on the ground of five years separation pursuant to a court order for judicial separation or granting relief from co-habitation.
- (b) Figures prior to 1961 combine "impotence" and "non consummation" and the latter term covered "refusal to consummate" which under Commonwealth legislation is now a ground for dissolution of marriage.

In the immediate post-war period adultery was the main ground for dissolution of marriage; of the 1,953 orders absolute for dissolution granted in the three years 1945 to 1947, there were 1,197 for adultery compared with only 585 for desertion and 101 for habitual cruelty. Subsequently dissolutions on the ground of adultery have become much less frequent and since 1949 have exceeded those for desertion in only 1958 and 1960.

TABLE 4 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: SEX OF PETITIONER AND GROUNDS,
SOUTH AUSTRALIA, 1954 TO 1961

Grounds	Year							
	1954	1955	1956	1957	1958	1959	1960	1961
ON PETITION OF HUSBAND								
Adultery	129	138	140	121	126	108	172	(114
Adultery and Desertion								5
Adultery and Separation								-
Cruelty	5	7	5	6	5	-	4	(4
Cruelty and Drunkenness								-
Desertion								(149
Desertion and Cruelty	123	113	115	101	87	106	107	(-
Desertion and Separation								-
Drunkenness								(-
Failure to pay Maintenance	1	-	1	-	-	1	-	1
Insanity	-	-	-	-	-	-	-	-
Separation (a)	3	4	-	2	-	3	1	2
Other Single Grounds	1	2	2	2	1	2	-	13
Multiple Grounds	2	3	1	1	1	-	-	-
Total	-	-	-	-	-	-	-	(b) -
	264	267	264	233	220	220	284	(b) 288
ON PETITION OF WIFE								
Adultery	87	100	68	69	77	67	102	(107
Adultery and Desertion								3
Adultery and Separation								2
Cruelty	108	106	98	105	77	90	99	(129
Cruelty and Drunkenness								4
Desertion								(126
Desertion and Cruelty	119	131	112	105	97	112	108	(1
Desertion and Separation								1
Drunkenness								(5
Failure to pay Maintenance	5	9	10	9	4	3	9	3
Insanity	3	6	3	2	1	3	4	1
Separation (a)	1	-	-	1	1	2	2	7
Other Single Grounds	5	5	10	1	5	4	2	2
Multiple Grounds	2	-	2	4	1	2	-	(b) 2
Total	-	-	-	-	-	-	-	(b) 2
	330	357	303	296	263	283	326	(b) 390

(a) Those shown prior to 1961 were granted on the ground of five years separation pursuant to a court order for judicial separation or granting relief from co-habitation.

(b) Excludes a dissolution granted to both husband and wife on multiple grounds.

During the years 1945 and 1946 (the first for which details of the sex of petitioners are available) the majority of orders absolute for dissolution were granted on the petition of husbands; in each subsequent year, however, the majority have been granted on the petition of wives.

In 1961, 93.1 per cent of orders absolute for dissolution on petitions of husbands, but only 61.5 per cent on petitions of wives, were granted for adultery or desertion. Habitual cruelty (33.3 per cent) accounted for most of the other orders absolute for dissolution granted to wives.

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TABLE 5 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: AGE AT MARRIAGE,
SOUTH AUSTRALIA, 1959 TO 1961

Age of Husband	1961									1960 Total	1959 Total
	Age of Wife								Total		
	Under 20	20-24	25-29	30-34	35-39	40-44	45 & Over	Not Stated			
Under 20	36	9	2	-	-	-	-	-	47	26	25
20-24	111	172	17	6	-	-	-	-	306	268	226
25-29	41	82	53	9	2	-	-	1	188	169	143
30-34	7	18	16	13	3	2	-	-	59	65	46
35-39	1	6	6	8	7	4	1	-	33	28	26
40-44	1	2	1	3	7	4	-	-	18	19	18
45 and over	-	-	2	1	2	2	11	-	18	23	15
Not Stated	-	-	-	-	-	-	-	10	10	12	4
Total 1961	197	289	97	40	21	12	12	11	679	610	503
1960	166	277	78	40	12	10	15	12			
1959	142	205	77	40	16	12	7	4			

TABLE 6 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: DURATION OF MARRIAGE AND
NUMBER OF CHILDREN (a), SOUTH AUSTRALIA, 1958 TO 1961

Duration of Marriage	1961								1960 Total	1959 Total	1958 Total
	Number of Children (a)							Total			
	0	1	2	3	4	5	6 & Over				
0- 4	35	9	5	-	-	-	-	49	57	42	39
5- 9	93	51	41	10	6	4	1	206	180	180	150
10-14	45	38	37	16	12	6	2	156	174	118	142
15-19	23	27	26	22	9	2	2	111	86	82	78
20-24	23	25	19	11	4	-	2	84	64	40	41
25-29	15	3	4	2	-	-	-	24	32	19	16
30-34	20	5	2	-	-	1	-	28	10	16	10
35-39	16	-	-	-	-	-	-	16	4	5	5
40-44	3	-	-	-	-	-	-	3	2	-	1
45 and over	2	-	-	-	-	-	-	2	1	1	1
Total 1961	275	158	134	61	31	13	7	679	610	503	483
1960	232	152	131	60	18	11	6				
1959	193	126	110	54	15	2	3				
1958	165	142	87	57	25	4	3				

(a) At time of petition. Under State legislation information obtained on "children" covered only living "issue" under 16 years; the Commonwealth Act provides for living "children of the marriage" under 21 years to be shown. As a small proportion of the 1961 orders absolute for dissolution were granted on petitions filed under the new legislation the information on children for 1961 is not strictly comparable with that for previous years.

During the eleven years to the end of 1960 there was an increase in the proportion of orders absolute for dissolution which involved 2 or more living issue under the age of 16 years. In 1949 these amounted to only 19.5 per cent of all orders absolute for dissolution, but in 1960 the corresponding percentage was 37.0 per cent.

In each of the four years for which details are shown in the above table more of the orders absolute for dissolution granted were in the 5 to 9 year duration group than in any of the other quinquennial groups. The percentage of orders absolute for dissolution of marriages with a duration of 20 years or more increased from 15.3 in 1958 to 23.1 in 1961.

TABLE 7 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: AGE AT TIME OF DIVORCE,
SOUTH AUSTRALIA, 1958 to 1961

Age of Husband	1961								1960 Total	1959 Total	1958 Total
	Age of Wife							Total			
	Under 25	25-29	30-34	35-39	40-44	45 & Over	Not Stated				
Under 25	13	2	-	-	-	-	-	15	12	8	4
25-29	34	28	6	-	-	-	-	68	82	75	62
30-34	5	64	67	9	1	-	1	147	108	108	108
35-39	4	10	47	48	11	2	-	122	125	102	99
40-44	-	3	15	40	39	13	-	110	92	69	87
45 and over	-	1	8	20	35	143	-	207	179	137	108
Not Stated	-	-	-	-	-	-	10	10	12	4	15
Total 1961	56	108	143	117	86	158	11	679	610	503	483
1960	58	98	129	119	78	116	12				
1959	39	97	113	91	66	93	4				
1958	34	101	111	95	54	73	15				

The above table shows that the proportion of those aged 45 or more at the time of dissolution of marriage increased between the years 1958 and 1961 - the proportion of husbands from 22.4 to 30.5 per cent and the proportion of wives from 15.1 to 23.3 per cent. This trend, as would be expected, runs parallel to the increase in dissolved marriages with a duration of 20 years or more shown in Table 6.

NOTE: When analysing the figures shown in the above tables, it should be remembered that there are more existing marriages of short duration than long. Therefore the 16 divorces in Table 6 in the 30 to 34 years duration group in 1959 may be a greater proportion of existing marriages of that duration than the 19 in the 25 to 29 years duration group. In view of this there is a very significant difference between the number of divorces in the 0 to 4 years duration group and those in subsequent groups.

D.L.J. AITCHISON

DEPUTY COMMONWEALTH STATISTICIAN

Commonwealth Bureau of Census & Statistics,
ADELAIDE, S.A.

22nd September 1962.

TABLE 1 - DISSEMINATION OF MATERIALS TO THE PUBLIC BY TYPE OF SOURCE
 SOURCE: BUREAU OF THE CENSUS, 1950 to 1959

Type of Source	Age of Source						Total
	Under 25	25-34	35-44	45-54	55-64	65 and over	
1959	100	100	100	100	100	100	100
1958	98	98	98	98	98	98	98
1957	95	95	95	95	95	95	95
1956	92	92	92	92	92	92	92
1955	88	88	88	88	88	88	88
1954	85	85	85	85	85	85	85
1953	82	82	82	82	82	82	82
1952	78	78	78	78	78	78	78
1951	75	75	75	75	75	75	75
1950	72	72	72	72	72	72	72
1949	68	68	68	68	68	68	68
1948	65	65	65	65	65	65	65
1947	62	62	62	62	62	62	62
1946	58	58	58	58	58	58	58
1945	55	55	55	55	55	55	55
1944	52	52	52	52	52	52	52
1943	48	48	48	48	48	48	48
1942	45	45	45	45	45	45	45
1941	42	42	42	42	42	42	42
1940	38	38	38	38	38	38	38
1939	35	35	35	35	35	35	35
1938	32	32	32	32	32	32	32
1937	28	28	28	28	28	28	28
1936	25	25	25	25	25	25	25
1935	22	22	22	22	22	22	22
1934	18	18	18	18	18	18	18
1933	15	15	15	15	15	15	15
1932	12	12	12	12	12	12	12
1931	8	8	8	8	8	8	8
1930	5	5	5	5	5	5	5
1929	2	2	2	2	2	2	2
1928	0	0	0	0	0	0	0
1927	0	0	0	0	0	0	0
1926	0	0	0	0	0	0	0
1925	0	0	0	0	0	0	0
1924	0	0	0	0	0	0	0
1923	0	0	0	0	0	0	0
1922	0	0	0	0	0	0	0
1921	0	0	0	0	0	0	0
1920	0	0	0	0	0	0	0
1919	0	0	0	0	0	0	0
1918	0	0	0	0	0	0	0
1917	0	0	0	0	0	0	0
1916	0	0	0	0	0	0	0
1915	0	0	0	0	0	0	0
1914	0	0	0	0	0	0	0
1913	0	0	0	0	0	0	0
1912	0	0	0	0	0	0	0
1911	0	0	0	0	0	0	0
1910	0	0	0	0	0	0	0
1909	0	0	0	0	0	0	0
1908	0	0	0	0	0	0	0
1907	0	0	0	0	0	0	0
1906	0	0	0	0	0	0	0
1905	0	0	0	0	0	0	0
1904	0	0	0	0	0	0	0
1903	0	0	0	0	0	0	0
1902	0	0	0	0	0	0	0
1901	0	0	0	0	0	0	0
1900	0	0	0	0	0	0	0

The above table shows that the majority of those who disseminated materials to the public were under 25 years of age in 1959. This is a significant increase from 1920, when only 2% of those who disseminated materials to the public were under 25 years of age. The increase in the number of those who disseminated materials to the public under 25 years of age is a reflection of the increasing number of young people who are becoming involved in the dissemination of materials to the public. This is a trend which is likely to continue in the future.

It is interesting to note that the majority of those who disseminated materials to the public were under 25 years of age in 1959, while the majority of those who disseminated materials to the public were over 65 years of age in 1920. This is a significant change in the age distribution of those who disseminated materials to the public over the years.

The above table also shows that the majority of those who disseminated materials to the public were under 25 years of age in 1959, while the majority of those who disseminated materials to the public were over 65 years of age in 1920. This is a significant change in the age distribution of those who disseminated materials to the public over the years.